

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0706-02
Bill No.: SCS for HB 91
Subject: Drugs and Controlled Substances; Department of Public Safety.
Type: Original
Date: May 2, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue *	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund *	(UNKNOWN)	(UNKNOWN)	(UNKNOWN)

*** Subject to appropriation**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
MoSMART Fund *	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
State School Moneys**	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds *	\$0 or UNKNOWN	\$0 or UNKNOWN	\$0 or UNKNOWN

*** Subject to appropriation**

**** Income and expenses net to zero.**

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Attorney General** assume no fiscal impact.

Officials of the **Office of Secretary of State** assumes that the Department of Public Safety could promulgate rules and regulations and forms. They would be published in the Code of State Regulations, and the Missouri Register. Officials assume cost of publication could be as much as \$492.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials of the **Office of Administration- Budget and Planning** assume no fiscal impact.

Jasper County Presiding Commissioner assumes no fiscal impact to their county.

Jefferson County Commission assumes no fiscal impact.

Mo.SMART Program: (Section 650.350)

Officials from the **Office of the State Treasurer** assume this proposal would not fiscally impact their agency and defer to the Office of Administration for an estimate on state impact.

Officials from the **Shannon County Sheriff's Office** state they have received \$87,054 in calendar years 2001 - 2002 under the current MoSMART grant program.

Officials from the **Christian County Sheriff's Office** assume the proposal would result in losses to their agency of \$47,135 annually, which is the amount that they have applied for and been approved for in 2003.

Officials from the **Department of Public Safety (DPS) – Director's Office** assume the proposal creates a team called "MoSMART" within DPS. The team is made up of five members that shall be sheriffs. The DPS shall administer MoSMART, which shall consist of conducting audits, monitoring, programmatic assistance with grants, etc.

In order to perform the duties required by this legislation, DPS assumes the need for four additional FTE: one Program Manager (at \$44,448 per year) who would be responsible for employees under this program as well as the general administration of the program; one Program Representative I (at \$30,204 per year) to review applications for grants, assist in general program duties, and monitor programs as needed; one Accountant I (at \$30,204 per year) to assist in the review of applications for grants, assist grantees with financial aspects of having a grant with this money, and, as required by the proposed legislation, audit the MoSMART fund at the end of each fiscal year; and one Clerk Typist III (at \$23,184 per year) to provide clerical support for the staff of MoSMART and MoSMART members.

DPS also assumes the need for rental space for an offsite facility because the Director's office no

longer has adequate space for additional employees. The DPS estimates the cost for this rental

ASSUMPTION (continued)

space to be \$12,880 per year, plus \$20,000 per year for renovations.

DPS estimates the cost of this proposal to be \$265,255 in FY 04, \$242,863 in FY 05, and \$247,587 in FY 06.

In response to a similar proposal from the 2002 session, DPS estimated the number of MoSMART funds applications filed annually will exceed 27. Based on this estimate, Oversight assumes the DPS will require 2 FTE (1 Program Specialist and 1 Clerk Typist III) to administer the MoSMART program. Salaries have been adjusted to more closely reflect actual starting salaries. Oversight assumes the 2 FTE would be housed within existing facilities. Therefore, no additional rent, renovation, janitorial, utility, or offsite computer expenses would be incurred. Oversight also assumes the staff for DPS would not be necessary without an appropriation to the MoSMART fund and that the estimated costs of DPS would be covered by this appropriation.

Oversight assumes, based on information received from the **Cape Girardeau County Sheriff**, that the current MoSMART program will be federally funded through December 31, 2003. Therefore, Oversight assumes the DPS would incur expenses for 6 months of FY 2004 and 12 months of FY 2005 & FY 2006. Officials from the Cape Girardeau County Sheriff's office also stated that they administer the current MoSMART program with two persons.

COUNTY CRIME REDUCTION FUND: (Sections- 50.550, 50.565, 558.019, and 558.021)

Officials of the **Office of State Courts Administrator** stated that this proposal does not specify who would be responsible for receiving and accounting for what would in most cases be installment payments. Since the Sheriff and Prosecutor would be the beneficiaries of the fund, officials assume one of them would provide these services through local funds, and state-paid court clerks would not be required to perform this duty. If this assumption is valid, there would be no appreciable state cost. However, if the court clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions.

Officials stated that traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential volume could be in the hundreds of thousands of cases.

ASSUMPTION (continued)

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentences, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation fund, law enforcement training and other earmarked funds.

Officials from the **Department of Corrections (DOC)** assume the fiscal impact due to passage of this bill is unknown. This bill authorizes the creation of a county crime reduction fund and probationers can be required to pay up to \$1,000 to the fund as a condition of probation. Proposed language in §558.019 refers only to misdemeanor probation; however §559.021 does not appear to be limited to only misdemeanors. Willful failure to pay could result in the revocation of probation and incarceration.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate, per day or an annual cost of \$13,060 per inmate) or through additional supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender, per day or an annual cost of \$1,219 per offender).

At this time, the DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through incarceration or probation would result in additional costs. The exact fiscal impact to the DOC is unknown and cannot be estimated.

Officials of the **Office of Prosecution Services** assume no fiscal impact.

ASSUMPTION (continued)

Officials of the **Department of Elementary and Secondary Education** assume no fiscal impact.

Jefferson County, Platte County Sheriff, and Cass County officials assume no fiscal impact.

Oversight assume that fiscal impact would depend upon several factors: 1) The County Commission would need to establish the Crime Reduction Fund; and 2) The amount of fiscal impact would depend on the number of cases the Court would suspend and require payment into the Crime Reduction Fund.

Oversight assumes that to the extent there is a reduction in fines on the local level, schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections			
Incarceration/Probation costs (50.550)	(Unknown)	(Unknown)	(Unknown)
<u>Transfer out</u> – to State School Moneys Fund (Section 50.550 etal.)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer out</u> – to MoSMART Fund* (Section 650.350)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

***Subject to Appropriations.**

STATE SCHOOL MONEYS FUND
(Section 50.550 etal.)

Transfer in – from General Revenue Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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<u>Costs</u> – transfer to local school districts	\$0 to	\$0 to	\$0 to
(Section 50.550 etal.)	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND

\$0 \$0 \$0

MoSMART FUND (Sec. 650.350)

<u>Transfer in</u> – from General Revenue Fund* (Sec. 650.350)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
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Costs – Department of Public Safety**

Personal Service (2 FTE)	(\$24,477)	(\$50,178)	(\$51,432)
Fringe Benefits	(\$9,906)	(\$20,307)	(\$20,815)
Equipment and Expense	<u>(\$22,008)</u>	<u>(\$7,275)</u>	<u>(\$7,275)</u>
Total Costs – DPS (Sec. 650.350)	(\$56,391)	(\$77,760)	(\$79,522)

Costs – MoSMART

Distribution to local law enforcement agencies***	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
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ESTIMATED NET EFFECT ON MoSMART FUND (Sec. 650.350)

\$0 or Unknown \$0 or Unknown \$0 or Unknown

***Subject to Appropriations.**

****Subject to Appropriations, shall be no less than one percent and not exceed two percent of the Fund.**

*****Subject to Appropriations, shall be at least fifty percent but not more than one hundred percent of the Fund annually.**

FISCAL IMPACT - Local Government

FY 2004
(10 Mo.)

FY 2005

FY 2006

COUNTIES

**COUNTY CRIME REDUCTION
 FUND (Sec. 50.550 etal.)**

Income to Crime Reduction Fund
 Court ordered payment

Unknown

Unknown

Unknown

Cost to Crime Reduction Fund
 Law Enforcement programs

(Unknown)

(Unknown)

(Unknown)

**Total Effect on County Crime
 Reduction Fund (Sec. 50.550 etal.)**

\$0

\$0

\$0

**SCHOOL DISTRICTS (Sec. 50.550
 etal.)**

Income – to Certain School Districts
 from State's School Aid Formula

\$0 to Unknown

\$0 to Unknown

\$0 to Unknown

Loss – to Certain School Districts
 from reduction in fines

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

**ESTIMATED NET EFFECT TO
 CERTAIN SCHOOL DISTRICTS ***

\$0

\$0

\$0

Income - Law Enforcement Agencies
 MoSMART funds (Sec. 650.350)

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

**ESTIMATED NET EFFECT ON
 LOCAL GOVERNMENT**

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

*** Fiscal impact would be dependent upon the County Commission establishing a Crime
 Reduction Fund and upon the number of cases that would be suspended without a fine.**

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Mo.SMART: (Section 650.350)

This proposal creates the "Missouri Sheriff's Methamphetamine Relief Team" (MoSMART) housed in the Department of Public Safety. This team consists of five sheriffs who will serve a two-year term and elect a chairman.

The MoSMART Fund is created and is available on an application basis to law enforcement entities and task forces. Applications are evaluated based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances.

County Crime Reduction Fund: (Sections 50.550, 50.565, 558.019, 559.021)

These sections would allow County Commissions to create a County Crime Reduction Fund and specifies the purposes for which the money in the fund can be spent.

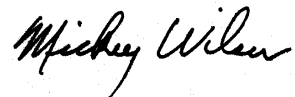
The bill allows the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to \$1,000 to the county crime reduction fund.

The bill allows the court to order a payment of up to \$1,000 to the county crime reduction fund as a condition of probation. A judge can only order such a condition of probation if the county crime reduction fund was established prior to sentencing. A judge cannot have any direct supervisory or administrative control over a fund to which he or she orders probationers to make payments. A defendant can refuse probation that includes payments to a county crime reduction fund as a condition, but probation cannot be revoked solely for failure to make payments to the fund, except under certain circumstances.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Secretary of State
Office of Administration- Division of Budget and Planning
Department of Elementary and Secondary Education
Office of State Court Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Treasurer
Department of Public Safety
Sheriff of Shannon County
Sheriff of Christian County
Sheriff of Cape Girardeau County
Jefferson County
Cass County
Platte County Sheriff
Jasper County Presiding Commissioner



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Director
May 2, 2003